

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RICHARD M. ELBERT,)
)
)
Plaintiff,))
)
v.) Case No. 4:11-CV00428-HFS
)
)
CITY OF KANSAS CITY, MISSOURI,)
et al.,)
)
Defendants.)

**KCPD DEFENDANTS' NOTICE OF FILING REGARDING
PLAINTIFF'S AMENDED COMPLAINT [DOC. 63]**

Defendants Kansas City, Missouri Board of Police Commissioners (“Board”), and Muhlbauer, Emig, Pronske, Campbell, Cote, Sanders, Hernandez, Balsley, and Johnson (“KCPD Defendants”), by and through counsel, hereby file this notice regarding plaintiff’s filed document 63:

1. Document 63 is titled “Amended Complaint for Damages.” [Doc. 63 at p.1]
2. Document 63 is a duplicate of Document 57, also titled plaintiff’s Amended Complaint for Damages.”
3. The Board and KCPD Defendants previously filed a motion to dismiss plaintiff’s amended complaint (Document 57) on March 19, 2012. [Doc. 87].
4. Plaintiff re-served the Board and KCPD Defendants with a

summons that contained a copy of plaintiff's amended complaint ECF-filed as Document 63 – not Document 57.

5. Because a responsive pleading to Document 63 would be due on March 28, 2012, these defendants wished to comply with the summons and file this notice.

6. The Board and KCPD Defendants have previously responded to plaintiff's amended complaint (as Document 57), and they will not take up this Court's time and file a duplicative motion here.

7. Because Documents 57 and 63 are identical documents, merely re-filed with different ECF filing numbers, the arguments set forth in the Board and KCPD Defendants' motion to dismiss [Doc. 87] apply to Document 63 as well.

WHEREFORE, for all of the foregoing reasons, Defendants Board of Police Commissioners, Muhlauer, Emig, Pronske, Campbell, Cote, Sanders, Hernandez, Balsley, and Johnson move this Court to dismiss plaintiff's claims against them as set forth in their motion to dismiss [Doc. 87] and request such additional relief as deemed just and proper.

Respectfully submitted,

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/s/ Lauren Horsman

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ATTORNEYS FOR KCPD
DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March, 2012, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification to the following person:

Cory Carter
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Attorney for City of Kansas City, Missouri

And Patrice Winston

and also hereby certify that on the same date a copy of the foregoing was mailed by United States mail, postage prepaid, to the following person:

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8113 Troost
Kansas City, MO 64131
Plaintiff pro se

Lauren Horsman
Assistant Attorney General